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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,897	11/19/2001	Paavo Hyvarinen	1313/IG317US0	9178

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,897

Applicant(s)

HYVARINEN ET AL.

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 16 is/are allowed.
- 6) ☒ Claim(s) 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The instant application was filed under 35 U.S.C. 111(a) as a PCT continuing application, claiming priority under 35 U.S.C. 120 of a prior international application (PCT/US00/14631).

Applicant has not complete the requirements for claiming priority to the prior PCT application as the priority reference in the first line of the specification must include an indication of whether the prior PCT international application was published under PCT Article 21(2) in English. See MPEP § 1895. Appropriate correction is required for the Applicant to claim priority to the international application.

2. Claim 12 recites "the fiber material provided inside the screen pipe(1) being made to move for example by means of a spiked roll inside the pipe[.]" Although the phrase "for example" can sometimes render a claim indefinite under 25 U.S.C. 112, second paragraph, in the instant case, one of ordinary skill in the art would understand the scope of the claim. As recited, on of ordinary skill in the art would recognize the spike roll inside the pipe would not be a claimed element, but rather present a mere example of one such structure that would cause the material in the screen pipe to move, while not limiting the scope of the claim with regard to the structural

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elements of the claims. The claim will be evaluated as such for purposes of examination on its merits below.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

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therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen et al. (US Pat. No. 4,640,810; previously of record) in view of Chung (US Pat. No. 4,732,552; previously of record).

Laursen teaches a screen pipe (66) to be used in forming of web material in order to distribute fiber material blown into the screen pipe through a jacket of the pipe onto a wire (62) arranged to move under the pipe, the fiber material provided inside the screen pipe being made to move (using means 72), so that the movement of the fiber material has both a radial and tangential component with respect to the jacket of the screen pipe, the jacket comprising on its inner surface grooves in the pipe's axial direction (see figures 7-10).

Laursen fails to teach the grooves being as such that the groove that is positioned downstream with respect to the

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tangential component of the fiber flow is positioned at a more acute angle with respect to the tangential component of the fiber flow than the groove that is positioned upstream of the fiber flow.

Chung teaches an apparatus for distributing fibers in a gaseous stream, wherein the openings that the fibers must pass through are angled with respect to the fiber and gas flow, including an acute angle at a downstream end compared to the angle at the upstream end (figure 4) for eliminating plugging problems associated with other angled openings (see column 1, line 62 - column 2, line 10).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the apparatus of Laursen as such to have provided downstream was more acute and the upstream groove because this configuration eliminates plugging problems as suggested by Chung.

7. Claims 1-11 and 16 are allowed.

8. Claims 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of fails to teach or suggest a screen pipe for distributing fibrous material comprising a cylindrical screen jacket rotatable about its longitudinal axis, the wall of the jacket including one or more slots which completely penetrate the jacket through which the fibrous material may penetrate, the first groove located downstream and adjacent to the slot, relative to the direction of rotation of the screen jacket, and either (a) wherein the edge of the first groove forms an angle with the tangent of the screen jacket of between 100° and 160° , and a second groove located upstream and adjacent to the slot, relative to the direction of rotation of the screen jacket, wherein the edge of the second groove forms an angle with the tangent of the screen jacket between 70° and 110° as recited in claims 1, 7, 13, and 16, or (b) wherein the downstream edge of the profile groove is at a more acute angle to the tangential component of the fiber flow than the upstream edge, and wherein the edges of the profiled grooves are curved as recited in claim 15.

The closest prior art taught by Laursen and Chung is described above. Laursen and Chung fail to teach or suggest the


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angles of grooves recited in claims 1, 7, 13, and 16, or the grooves to be curved as recited in claim 15.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for responses to non-final action, and 703-872-9311 for responses to final actions. The unofficial fax phone number is (703) 305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Donald Heckenberg
March 10, 2003


JAMES P. MACKEY
PRIMARY EXAMINER
3/15/03